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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 MUHAMMED TILLISY,

8 Plaintiff,

9 v.

10 WASHINGTON STATE
11 DEPARTMENT OF CORRECTIONS,
12 et. al.,

13 Defendants.

CASE NO. 18-5695 RJB-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

14 THIS MATTER comes before the Court on the Report and Recommendation of U.S.
15 Magistrate Judge J. Richard Creatura. Dkt. 46. The Court has considered the Report and
16 Recommendation, Plaintiff's objections, and the remaining record.

17 The Plaintiff brings this case under the Americans with Disabilities Act ("ADA"), the
18 Rehabilitation Act ("RA"), and the U.S. Constitution (including for violations of his Eighth and
19 Fourteenth Amendment rights) in connection with the Defendants alleged failure to properly
20 accommodate the Plaintiff's hearing and visual impairments. Dkt. 17. The Report and
21 Recommendation recommends that the Plaintiff's ADA and RA claims based, on his visual
22 impairments alone, be dismissed and that his substantive due process claim be dismissed. Dkt.
23 46. The Report and Recommendation recommends that the Plaintiff be given leave to amend his
24 amended complaint, if he so chooses, to make further factual allegations in order to properly
state each of these claims. *Id.*

1 In his objections, the Plaintiff maintains that he has alleged enough to state a claim under
2 the ADA and RA relating to his visual impairment and continues to assert that the Defendants'
3 conduct was arbitrary and "conscience shocking." Dkt. 47.

4 The Report and Recommendation (Dkt. 46) should be adopted. The Plaintiff's objections
5 do not provide a basis to reject the Report and Recommendation. The dismissal of the claims is
6 subject to leave to amend the Amended Complaint, if the Plaintiff so chooses. The deadline for
7 the Plaintiff to file an amended complaint, if he wishes, should be set for June 4, 2019. The stay
8 on discovery should be lifted. The case should be re-referred to U.S. Magistrate Judge J. Richard
9 Creatura for further proceedings.

10 It is **ORDERED** that:

- 11 • The Report and Recommendation (Dkt. 46) **IS ADOPTED**;
- 12 • The deadline for the Plaintiff to file an amended complaint, if he wishes, is **June**
13 **4, 2019**;
- 14 • The stay on discovery **IS LIFTED**; and
- 15 • The case **IS RE-REFERRED** to U.S. Magistrate Judge J. Richard Creatura for
16 further proceedings.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
18 to any party appearing *pro se* at said party's last known address.

19 Dated this 6th day of May, 2019.

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22 ROBERT J. BRYAN
23 United States District Judge
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